

June 17, 2016

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
June 17, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MAY 20, 2016

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MAY 20, 2016?

WILL THE COMMISSION CORRECT A SCRIVENER'S ERROR IN THE PREVIOUSLY APPROVED MINUTES OF THE APRIL 15, 2016 MEETING TO REFLECT THAT JEFF SHUCK (NOT JOHN LOGSDON) INDICATED THERE WAS A MISCOMMUNICATION BETWEEN LABOR RELATIONS AND LEGAL AT CENTRAL MANAGEMENT SERVICES REGARDING THE ITEM VII PERSONNEL RULES AMENDMENT.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	18
Agriculture.....	354.....	20
Arts Council.....	11.....	2
Capitol Development Board.....	44.....	0
Central Management Services.....	1,421.....	115
Children and Family Services.....	2,552.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	305.....	70
Commerce Commission.....	60.....	0
Corrections.....	11,798.....	98
Criminal Justice Authority.....	54.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	74.....	6
Employment Security.....	1,166.....	32
Environmental Protection Agency.....	699.....	18
Financial & Professional Regulation.....	432.....	49
Gaming Board.....	171.....	6
Guardianship and Advocacy.....	98.....	8
Healthcare and Family Services.....	1,960.....	26
Historic Preservation Agency.....	133.....	17
Human Rights Commission.....	15.....	2
Human Rights Department.....	127.....	9
Human Services.....	13,325.....	77
Illinois Torture Inquiry Relief Commission.....	2.....	1
Independent Tax Tribunal.....	1.....	0
Insurance.....	236.....	16
Investment Board.....	3.....	2
Juvenile Justice.....	1,091.....	27
Labor.....	81.....	11
Labor Relations Board Educational.....	9.....	3
Labor Relations Board State.....	15.....	2
Law Enforcement Training & Standards Bd.....	20.....	2
Lottery.....	141.....	8
Military Affairs.....	131.....	3
Natural Resources.....	1,278.....	32
Pollution Control Board.....	20.....	2
Prisoner Review Board.....	21.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,130.....	40
Racing Board.....	2.....	1
Revenue.....	1,572.....	52
State Fire Marshal.....	123.....	12
State Police.....	1,040.....	10
State Police Merit Board.....	6.....	2
State Retirement Systems.....	111.....	3
Transportation.....	2,209.....	0
Veterans' Affairs.....	1,360.....	10
Workers' Compensation Commission.....	125.....	11
TOTALS.....	45,720.....	883

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Illinois Department of Corrections – proposed exemption (continued from January 15, February 19, March 18, April 15, 2016, and May 20, 2016 meetings)

Position Number	40070-29-08-000-01-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor’s Office Chief Labor Counsel
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Human Services – proposed exemption (continued from January 15, February 19, March 18, April 15, 2016, and May 20, 2016 meetings)

Position Number	40070-10-00-000-00-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor’s Office Chief Labor Counsel
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Corrections – proposed exemption (continued from April 15, 2016 and May 20, 2016 meetings)

Position Number	40070-29-04-010-00-01
Functional Title	Deputy Director of Operations
Incumbent	Michael P. Atchison
Supervisor	Chief of Operations who reports to the Public Safety Officer who reports to the Director
Location	Randolph County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department on Aging – proposed exemption

Position Number	40070-47-00-100-00-01
Functional Title	State Ombudsman Program Administrator
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Department of Central Management Services – proposed exemption

Position Number	40070-37-00-030-00-01
Functional Title	Deputy Director, Bureau of Administrative Hearings
Incumbent	Vacant
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position meets the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H1. Illinois Department of Corrections – proposed exemption

Position Number	40070-29-89-200-00-01
Functional Title	Assistant Warden of Programs, Joliet Treatment Center
Incumbent	Vacant
Supervisor	Warden who reports to the Assistant Director who reports to the Director
Location	Will County

H2. Illinois Department of Corrections – proposed exemption

Position Number	40070-29-89-300-00-01
Functional Title	Assistant Warden of Operations, Joliet Treatment Center
Incumbent	Vacant
Supervisor	Warden who reports to the Assistant Director who reports to the Director
Location	Will County

H3. Illinois Department of Corrections – proposed exemptions

Position Number	40070-29-09-010-00-01
Functional Title	Deputy Chief of Intelligence/Investigations
Incumbent	Vacant
Supervisor	Chief of Intelligence/Investigations who reports to the Director
Location	Sangamon County

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemptions.”

I1. Illinois Department of Children and Family Services – proposed exemption

Position Number	40070-16-00-600-00-01
Functional Title	Immersion Site Director-Cook County
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Director
Location	Cook County (Chicago)

I2. Illinois Department of Children and Family Services – proposed exemption

Position Number	40070-16-00-700-00-01
Functional Title	Immersion Site Director-Northern Region
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Director
Location	Kane County (Aurora)

I3. Illinois Department of Children and Family Services – proposed exemptions

Position Number	40070-16-00-800-00-01
Functional Title	Immersion Site Director-Central Region
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Director
Location	Sangamon County (Springfield)

I4. Illinois Department of Children and Family Services – proposed exemptions

Position Number	40070-16-00-900-00-01
Functional Title	Immersion Site Director-Southern Region
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Director
Location	Jefferson County (Mount Vernon)

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemptions.”

J. Illinois Department of Lottery – proposed exemption (continued from May 20, 2016 meeting)

Position Number	40070-45-02-100-00-01
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Chief Labor Counsel (Corrections)**
- D: Chief Labor Counsel (Human Services)**
- E: Deputy Director of Operations (Corrections)**
- F: State Ombudsman Program Administrator (Aging)**
- G: Deputy Director, Bureau of Administrative Hearings (Central Management Services)**
- H1: Assistant Warden of Programs, Joliet Treatment Center (Corrections)**
- H2: Assistant Warden of Operations, Joliet Treatment Center (Corrections)**
- H3: Deputy Chief of Intelligence/Investigations (Corrections)**
- I1: Immersion Site Director-Cook County (Children & Family Services)**
- I2: Immersion Site Director-Northern Region (Children & Family Services)**
- I3: Immersion Site Director-Central Region (Children & Family Services)**
- I4: Immersion Site Director-Southern Region (Children & Family Services)**
- J: Deputy General Counsel (Lottery)**

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

IX. RECONVENE THE REGULAR OPEN MEETING

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	4/30/16	5/31/16	5/31/15
Agriculture	1	3	0
Central Management Services	6	6	2
Children and Family Services	1	2	3
Emergency Management Agency	1	1	0
Employment Security	3	3	0
Financial and Professional Regulation	1	2	0
Healthcare and Family Services	6	7	3
Historic Preservation Agency	1	1	0
Human Services	17	19	8
Insurance	1	2	0
Natural Resources	18	30	3
Revenue	0	0	6
State Police	1	0	0
State Retirement Systems	6	4	4
Transportation	1	0	0
Workers' Compensation Commission	1	2	0
Totals	65	82	29

XI. INTERLOCUTORY APPEAL

DA-53-15

Employee	Tracy W. Mix	Appeal Date	6/30/15
Agency	Transportation	Decision Date	6/03/16
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Failure to appear at scheduled hearing.	Proposal for Decision	Dismissed subject to approval of Commission; default.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-14-15 ON REMAND FROM CIRCUIT COURT (2015-MR-273)

Employee	Daniel R. Stinnett	Appeal Date	9/23/14
Agency	Human Services	Decision Date	2/20/15
Type	Discharge	ALJ	Andrew Barris
Proposal for Decision	Charges warrant a 90-day suspension plus the suspension pending discharge.	Final Decision	Proposal for Decision affirmed and adopted.
Remanded 3/01/16	Decision imposing a suspension for a period of 90 days plus the duration of his suspension pending discharge is not supported by the record; remanded to review the record and determine what discipline is appropriate, short of a suspension for a period of 90 days plus the duration of his suspension pending discharge.		

DOES THE COMMISSION AFFIRM AND ADOPT DISCIPLINE SHORT OF SUSPENSION FOR A PERIOD OF 90 DAYS PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE IN THE ABOVE MATTER ON REMAND?

DA-28-16

Employee	Fee Habtes	Appeal Date	12/22/15
Agency	Veterans' Affairs	Decision Date	06/03/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-34-16

Employee	Mary Alice Stouffe	Appeal Date	1/15/16
Agency	Human Services	Decision Date	6/02/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XIII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-54-16

Employee	Miriam Persangi	Appeal Date	5/23/16
Agency	Human Services	Decision Date	6/01/16
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XIV. STAFF REPORT

XV. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT

AFTER REVIEW OF THE CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?

XVI. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2014 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

WILL THE COMMISSION APPROVE THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2014^A IN ACCORDANCE WITH THE OPEN MEETINGS ACT?

XVII. CONSIDERATION OF RESCHEDULING THE AUGUST 19, 2016 MEETING

WILL THE COMMISSION RESCHEDULE THE AUGUST 19, 2016 MEETING TO BE AUGUST 22, 2016?

XVIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Friday, July 15, 2016 at the Commission's Chicago office.

XIX. MOTION TO ADJOURN

^A The Commission voted on July 15, 2011 to maintain verbatim recordings for a minimum of 24 months before destruction.